

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 492**

Introduced by Schimek, 27; Janssen, 15; Dw. Pedersen, 39

Read first time January 10, 2001

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the State Employees Collective Bargaining  
2 Act; to amend section 81-1373, Reissue Revised Statutes  
3 of Nebraska, and section 81-1348, Revised Statutes  
4 Supplement, 2000; to create a bargaining unit of  
5 employees of the Nebraska veterans homes; to harmonize  
6 provisions; and to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-1348, Revised Statutes Supplement,  
2   2000, is amended to read:

3           81-1348. There is hereby created the Suggestion Award  
4   Board. The membership of such board shall consist of the Director  
5   of Personnel, the Director of Administrative Services, the Auditor  
6   of Public Accounts, and three persons, each to serve a term of  
7   three years, selected and appointed by the Governor from the  
8   bargaining units listed in section 81-1373, except that the first  
9   three appointments made after February 23, 2000, shall be for terms  
10   of one year, two years, and three years, as designated by the  
11   Governor. Of the persons selected from such bargaining units, one  
12   person shall be selected from each of such bargaining units as  
13   follows:

14           (1) The first term from the bargaining units listed in  
15   subdivisions (1)(a), (b), and ~~(1)~~ (m) of such section;

16           (2) The second term from the bargaining units listed in  
17   subdivisions (1)(c), (d), and (g) of such section;

18           (3) The third term from the bargaining units listed in  
19   subdivisions (1)(e), (f), and (h) of such section; and

20           (4) The fourth term from the bargaining units listed in  
21   subdivisions (1)(i), (j), ~~and~~ (k), and (l) of such section.

22           After the fourth term, the appointments shall be made  
23   starting from subdivision (1) of this section and following the  
24   same sequence.

25           Whenever a vacancy occurs on the board for any reason,  
26   the Governor shall appoint an individual to fill such vacancy from  
27   the same bargaining unit in which the vacancy exists.

28           The members shall be reimbursed for their actual and

1 necessary expenses as provided in sections 81-1174 to 81-1177.

2 The board shall adopt and promulgate rules and  
3 regulations to aid in carrying out sections 81-1350 and 81-1351.

4 Sec. 2. Section 81-1373, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-1373. (1) For the purpose of implementing the state  
7 employees' right to organize for the purpose of collective  
8 bargaining, there are hereby created ~~twelve~~ thirteen bargaining  
9 units for all state agencies except the University of Nebraska, the  
10 Nebraska state colleges, and other constitutional offices. The  
11 units shall consist of state employees whose job classifications  
12 are occupationally and functionally related and who share a  
13 community of interest. The bargaining units shall be:

14 (a) Maintenance, Trades, and Technical, which unit is  
15 composed of generally recognized blue collar and technical classes,  
16 including highway maintenance workers, carpenters, plumbers,  
17 electricians, print shop workers, auto mechanics, engineering aides  
18 and associates, and similar classes;

19 (b) Administrative Support, which unit is composed of  
20 clerical and administrative nonprofessional classes, including  
21 typists, secretaries, accounting clerks, computer operators, office  
22 service personnel, and similar classes;

23 (c) Health and Human Care Nonprofessional, which unit is  
24 composed of institutional care classes, including nursing aides,  
25 psychiatric aides, therapy aides, and similar classes, but  
26 excluding employees of the Nebraska veterans homes;

27 (d) Social Services and Counseling, which unit is  
28 composed of generally professional-level workers providing services

1 and benefits to eligible persons. Classes shall include job  
2 service personnel, income maintenance personnel, social workers,  
3 counselors, and similar classes;

4 (e) Administrative Professional, which unit is composed  
5 of professional employees with general business responsibilities,  
6 including accountants, buyers, personnel specialists, data  
7 processing personnel, and similar classes;

8 (f) Protective Service, which unit is composed of  
9 institutional security personnel, including correctional officers,  
10 building security guards, and similar classes;

11 (g) Law Enforcement, which unit is composed of employees  
12 holding powers of arrest, including Nebraska State Patrol officers  
13 and sergeants, game wardens, fire marshal personnel, and similar  
14 classes. Sergeants, investigators, and patrol officers employed by  
15 the Nebraska State Patrol as authorized in section 81-2004 shall be  
16 presumed to have a community of interest with each other and shall  
17 be included in this bargaining unit notwithstanding any other  
18 provision of law which may allow for the contrary;

19 (h) Health and Human Care Professional, which unit is  
20 composed of community health, nutrition, and health service  
21 professional employees, including nurses, doctors, psychologists,  
22 pharmacists, dietitians, licensed therapists, and similar classes,  
23 but excluding employees of the Nebraska veterans homes;

24 (i) Examining, Inspection, and Licensing, which unit is  
25 composed of employees empowered to review certain public and  
26 business activities, including driver-licensing personnel, revenue  
27 agents, bank and insurance examiners, various public health and  
28 protection inspectors, and similar classes;

1           (j) Engineering, Science, and Resources, which unit is  
2 composed of specialized professional scientific occupations,  
3 including civil and other engineers, architects, chemists,  
4 geologists and surveyors, and similar classes;

5           (k) Teachers, which unit is composed of employees  
6 required to be licensed or certified as a teacher;

7           (l) Nebraska veterans home unit, which unit is composed  
8 of employees of the Nebraska veterans homes; and

9           (m) Supervisory, which unit is composed of employees who  
10 are supervisors as defined in section 48-801.

11           All employees who are excluded from bargaining units  
12 pursuant to the Industrial Relations Act, all employees of the  
13 personnel division of the Department of Administrative Services,  
14 and all employees of the Division of Employee Relations of the  
15 Department of Administrative Services shall be excluded from any  
16 bargaining unit of state employees.

17           (2) Any employee organization, including one which  
18 represents other state employees, may be certified or recognized as  
19 provided in the Industrial Relations Act as the exclusive  
20 collective-bargaining agent for a supervisory unit, except that  
21 such unit shall not have full collective-bargaining rights but  
22 shall be afforded only meet-and-confer rights.

23           (3) It is the intent of the Legislature that professional  
24 and managerial employee classifications and office and service  
25 employee classifications be grouped in broad occupational units for  
26 the University of Nebraska and the Nebraska state colleges  
27 established on a university-wide or college-system-wide basis,  
28 including all campuses within the system. Any unit entirely

1 composed of supervisory employees of the University of Nebraska or  
2 the Nebraska state colleges shall be afforded only meet-and-confer  
3 rights. Except as provided in subsection (4) of this section, the  
4 bargaining units for academic, faculty, and teaching employees of  
5 the University of Nebraska and the Nebraska state colleges shall  
6 continue as they exist on April 9, 1987, and any adjustments  
7 thereto or new units therefor shall continue to be determined  
8 pursuant to the Industrial Relations Act.

9 (4) Except as provided in subdivision (2)(c) of section  
10 85-1,119, when the institution now known as Kearney State College  
11 is transferred to the control and management of the Board of  
12 Regents of the University of Nebraska, any academic, faculty, and  
13 teaching employees of Kearney State College who are included in a  
14 bargaining unit and represented by a certified or recognized  
15 collective-bargaining agent as of June 30, 1991, shall, on and  
16 after July 1, 1991, compose a separate bargaining unit of  
17 University of Nebraska employees, and such agent shall be entitled  
18 to certification by the commission for the new bargaining unit  
19 without the necessity of a representation election. Any  
20 adjustments to the unit or the representation thereof shall be  
21 determined pursuant to the Industrial Relations Act.

22 (5) Other constitutional offices shall continue to  
23 subscribe to the procedures for unit determination in the  
24 Industrial Relations Act, except that the commission is further  
25 directed to determine the bargaining units in such manner as to (a)  
26 reduce the effect of overfragmentation of bargaining units on the  
27 efficiency of administration and operations of the constitutional  
28 office and (b) be consistent with the administrative structure of

1 the constitutional office. Any unit entirely composed of  
2 supervisory employees of a constitutional office shall be afforded  
3 only meet-and-confer rights.

4 Sec. 3. Original section 81-1373, Reissue Revised  
5 Statutes of Nebraska, and section 81-1348, Revised Statutes  
6 Supplement, 2000, are repealed.